

BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of

STUART MARK COHEN, M.D.

Holder of License No. 19998
For the Practice of Medicine
In the State of Arizona.

LICENSE RENEWAL 2001

**CONSENT AGREEMENT FOR
PRACTICE LIMITATION
(Non-Disciplinary)**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Medical Examiners ("Board") and Stuart Mark Cohen, M.D. ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.


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1 4. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

7 5. Respondent acknowledges and agrees that, although said Consent
8 Agreement and Order has not yet been accepted by the Board and issued by the
9 Executive Director, Respondent may not make any modifications to the document. Upon
10 signing this agreement, and returning this document (or a copy thereof) to the Board's
11 Executive Director, Respondent may not revoke acceptance of the Consent Agreement
12 and Order. Any modifications to this Consent Agreement and Order are ineffective and
13 void unless mutually approved by the parties.

14 6. Respondent further understands that this Consent Agreement and Order,
15 once approved and signed, shall constitute a public record document that may be publicly
16 disseminated as a formal action of the Board and reported to the National Practitioner's
17 Data Bank. However, this Consent Agreement and Order will not be reported on the
18 Board of Medical Examiners website.

19 7. If any part of the Consent Agreement and Order is later declared void or
20 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
21 and effect.

22
23 
24 Stuart Mark Cohen, M.D.

Dated: 2/19/02

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 19998 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On his 2001 License Renewal Form Respondent answered in the affirmative
7 a question regarding whether he had a medical or mental condition that in any way
8 impaired or limited his ability to safely practice in any field of medicine.

9 4. Respondent was diagnosed with hydrocephalus, a physical condition, which
10 results in short-term memory loss and loss of concentration and impairs his ability to safely
11 engage in the practice of some types of clinical medicine.

12 5. There has been no finding of unprofessional conduct against Respondent.

13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and over
15 Respondent.

16 2. The Board possesses statutory authority to enter into a consent agreement
17 with a physician to limit or restrict the doctor's practice or to rehabilitate the physician,
18 protect the public and ensure the physician's ability to safely engage in the practice of
19 medicine. A.R.S. § 32-1451(F).

20 **ORDER**

21 IT IS HEREBY ORDERED THAT Respondent's practice is limited in that he shall
22 not practice clinical medicine or any medicine involving direct patient care, and is
23 prohibited from prescribing any form of treatment, including prescription medications, to
24 any patient until he applies to the Board and receives the Board's affirmative approval to
25 return to unlimited practice. The Board may require any combination of staff approved

1 physical examination, psychiatric and/or psychological evaluations it finds necessary to
2 assist in determining whether Respondent is able to safely engage in the practice of
3 medicine.

4 2. The Board retains jurisdiction and may initiate new action based on any
5 violation of this order.

6 DATED AND EFFECTIVE this 28th day of February, 2002.

8 BOARD OF MEDICAL EXAMINERS
9 OF THE STATE OF ARIZONA

10 (SEAL)

11 By Claudia Foutz
12 CLAUDIA FOUTZ
13 Executive Director

14 ORIGINAL of the foregoing filed this
15 4th day of MARCH, 2002 with:

16 The Arizona Board of Medical Examiners
17 9545 East Doubletree Ranch Road
18 Scottsdale, AZ 85258

19 EXECUTED COPY of the foregoing mailed by
20 Certified Mail this 4th day of MARCH, 2002 to:

21 Mark Stuart Cohen, M.D.
22 4648 East Sanna Street
23 Phoenix, Arizona 85028

24 EXECUTED COPY of the foregoing
25 hand-delivered to each of the following
this 4th day of MARCH, 2002, to :

Christine Cassetta, Assistant Attorney General
~~Sandra Waitt~~, Management Analyst
Lynda Mottram, Compliance Officer
Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
Arizona Board of Medical Examiners

1 9545 E. Doubletree Ranch Road
2 Scottsdale, AZ 85258

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